

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**DROPZONEMS, LLC**, an Oregon LLC,

Plaintiff/Counter-Defendant,

v.

No. 3:16-cv-02348-YY

OPINION AND ORDER

**STEVEN COCKAYNE; NATALIE  
ROGERS; DAVID THORPE; and  
PACIFIC NORTHWEST SKYDIVING  
CENTER, LLC**, an Oregon LLC,

Defendants/Counter-Claimants.

**STEVEN COCKAYNE**,

Third-Party Plaintiff,

v.

**KYLE WILLIAMS; TIMOTHY  
NOONAN; and ALEX TOGSTAD**,

Third-Party Defendants.

**MOSMAN, J.**,

On September 12, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 122], recommending that I grant Defendants’ Motion for Summary Judgment [ECF 81] and that I grant Plaintiff’s and Third-Party Defendants’ Motion for Summary Judgment [ECF 78]. Plaintiff filed objections [ECF 137] to which Defendants responded [ECF 150].



In addition, on October 15, 2019, Judge You issued a Supplemental F&R [ECF 139] recommending I grant Plaintiff's oral motion to strike the supplemental declaration of Steven Cockayne [ECF 113]. Defendants filed objections [ECF 145] to which Plaintiff responded [ECF 151].

### **LEGAL STANDARD**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

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## CONCLUSION

Upon review of the F&R and the Supplemental F&R, I agree with Judge You's reasoning and conclusions. Therefore, I ADOPT both the F&R [122] and the Supplemental F&R [139] as my own opinions. I GRANT Plaintiff's motion to strike the supplemental declaration of Steven Cockayne [113]. I GRANT Defendants' Motion for Summary Judgment [81]. I GRANT Plaintiff's and Third-Party Defendants' Motion for Summary Judgment [78]. As a result, this case is DISMISSED with prejudice. All pending motions are DENIED as moot.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of February, 2020.

  
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MICHAEL W. MOSMAN  
United States District Judge